

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 23, 1949

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

The Minutes of the previous meeting were read; and upon motion of Councilman Johnson, seconded by Councilman Long, approved by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

MR. HERMAN JONES, Attorney for the Austin Housing Authority, appeared before the Council regarding the adoption of a resolution with reference to the application for the Austin Housing Authority for temporary loan for 520 additional low-rent housing units. He explained before a temporary loan could be made, it was necessary that the application be approved by the governing body. On August 18th, a proposed resolution was drafted. This was adopted by the Council with the exception of some wordings in two places. The Public Housing Authority took exceptions to those two qualifications. The Council inserted in that resolution the words "it appears that" with reference to the need, whereas the Austin Housing Authority stated a need existed. Another exception was to the wording that the "Council hereby declares its intent if the need is determined to exist". Mr. Jones explained that the P.H.A. needed a statement that a need did exist in Austin, and that the Council intended to enter into a cooperative agreement. Mr. Jones stated if at the time the Council was to enter into the cooperative agreement, it decided not to, that was all right, as this resolution would not be binding.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Housing Authority of the City of Austin is applying to the Public Housing Administration in accordance with the provisions of the United States Housing Act of 1937, as amended, for a Preliminary Loan in the amount of \$154,000 to cover the costs of surveys and planning in connection with the development of not to exceed approximately 520 dwelling units of low-rent public housing; and

WHEREAS, there exists in the City of Austin a need for such low-rent public housing at rents within the means of low-income families, especially families of living or deceased veterans and servicemen, which need is not being met by private enterprise; and

WHEREAS, such a condition constitutes a menace to the health, safety, morals and welfare of the inhabitants of the City; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council of the City of Austin does hereby approve the Application of the Housing Authority of the City of Austin to the Public Housing Administration for a Preliminary Loan in an amount not to exceed \$154,000, to cover the costs of surveys and planning in connection with the development of not to exceed approximately 520 dwelling units of low-rent public housing in the City of Austin; and does hereby declare its intent to enter hereafter into an agreement with said Housing Authority for the local cooperation by the City in the provision of said low-rent public housing which may be required by the Public Housing Administration pursuant to the United States Housing Act of 1937, as amended.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

MRS. HORTON SMITH appeared before the Council and extended the members an invitation to attend a town-meeting next Thursday night, December 1st, at 8:00 P.M. in the Council Room, held by the League of Women Voters on the subject, "Our Juvenile Court".

The DEMOLAY group was recognized and welcomed and invited to observe the Council meeting, and take their places at the Council table for the session set aside for them at about 11:00 A.M.

MR. J. F. HAIR came before the Council in the interest of Planning of traffic arteries. He suggested the opening of 11th Street all the way through. The Mayor thanked Mr. Hair for his interest and his suggestions, and stated there was some study under way regarding the 11th Street opening.

MR. CHARLES HERRING, representing the American Taxi Company, came before the Council for information regarding the proposed change in the taxi-ordinance. The Mayor stated there had been only a draft submitted for study, and that a public hearing would be held at a later date.

DR. EVERETT GIVENS appeared before the Council and thanked the Council for adopted the resolution pertaining to the low-rent housing, and stated Rosewood would be helped in this application. He listed some requests he would like to make for the eastern part of the city as follows:

1. More fire plugs in McKinley Heights.
2. Better streets all over east Austin; and until the streets are paved, Dr. Givens requested daily sprinkling.
3. Traffic lights at 12th and Chicon and at Rosewood and Chicon.
4. Traffic light on Ulit Avenue between 18th and 19th Streets.
5. A grandstand at Downs Field.
6. Gas extensions in McKinley Heights.
7. Removal of the Incinerator, as the incinerator creates a bad odor in that part of town, and there is always burned paper and trash blowing around.

In connection with the various requests of DR. GIVENS, REV. BRANCH stated street lights were needed badly at the intersection of Hargrave and 12th Street. O. R. LOTT joined in the requests for gas in McKinley Heights, stating that as people built, they put in Butane because there was no gas connection there; and they do not now want to switch over to the natural gas. He stated he would like for the gas extensions to be made out there to take care of the others who will be building.

THE MAYOR stated the Council would try to take care of these requests as they can. He stated in time, the compost manufacture might take care of the garbage disposal, and the Incinerator may be of no further use. Regarding the light, the Mayor asked Dr. Givens to check with the City Manager to see if these lights were included in this year's program; and if not, a check would be made to determine the necessity of those particular locations for traffic and street lights. He stated that bleachers would be furnished for Downs Field. Regarding the gas extensions, the Mayor stated the Gas Company had found there not enough customers signed up in McKinley Heights for them to extend gas to that area; and at such a time, they did get enough customers in advance, they would pipe the gas out there. The Mayor explained the paving assessment program, and asked that the people get together and get signed up for paving their streets on this new program.

ANNIE MAE RANDOLPH (colored) came before the Council asking that Chicon Street between 12th and 19th be sprinkled once a day. She stated when the sprinkler serviced this area, it was usually 6:00 P.M. This request was referred to the Director of Public Works.

RANDOLPH HAWKINS, (Colored) complained of the dust of the streets. WILLIAM TIMMONS, owner of a barber shop at Chicon, stated he had an "A" rating on his shop, with the exception of times his shop was inspected when the doors were open and he got "B" due to the dust. The Mayor suggested that the people in this neighborhood get together and join in the paving assessment program, and get everybody signed up, and get these streets paved.

COUNCILMAN MacCORKLE inquired about oiling these dusty streets. The City Manager explained it had not been practical; that the oil soon got into a form of dust that would stick and track in the houses, and was expensive besides.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Cause No. 41,394, the City of Austin obtained judgment against M. A. Anderson foreclosing its tax lien against the property herinafter described; and

WHEREAS, under said judgment, such property was sold at sheriff's sale on October 5, 1926, and City of Austin became the purchaser thereof; and,

WHEREAS, City of Austin has heretofore agreed to sell said property to Luella Hammonds Anderson; and,

WHEREAS, the said Luella Hammonds Anderson has paid to the City the sum of One Thousand One Hundred Ninety-Four Dollars (\$1,194.00) of the purchase price of such property, and there remains due to the City under said contract the sum of One Thousand One Hundred Seventy-Six Dollars and Seventy-seven Cents (\$1,176.77); Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That upon the payment, in cash, of the balance now due of \$1,176.77 by the said Luella Hammonds Anderson, Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a deed without warranty conveying to her all title of the City of Austin in and to Lots 2, 3 and 4, Block 5, Outlot 57, Division B, in the City of Austin, Travis County, Texas.

Which motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in HANCOCK DRIVE, from Shoalwood Avenue easterly 407 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said HANCOCK DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in GUADALUPE STREET, from a point 137 feet north of Kawnee Drive southerly 641 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said GUADALUPE STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in FRANKLIN BOULEVARD, from a point 29 feet east of Link Avenue easterly 13 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said FRANKLIN BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in LINK AVENUE, from Franklin Boulevard to Nelray Boulevard, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said LINK AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in NELRAY BOULEVARD, from Link Avenue westerly 263 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said NELRAY BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in EAST 11TH STREET, from a point 148 feet East of Swenson Avenue easterly 32 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said EAST 11TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in COMAL STREET, from a point 132 feet North of New York Avenue northerly 54 feet, the centerline of which gas main shall be 20 feet east of and parallel to the west property line of said COMAL STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in EAST 48TH STREET, from a point 120 feet East of Caswell Avenue westerly 81 feet, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of EAST 48TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in COLETO STREET, from a point 80 feet north of Pennsylvania Avenue northerly 63 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said COLETO STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in EAST 17TH STREET, from Maple Avenue westerly 264 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 17TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in GUNTER STREET, from Govalle Avenue to Thompson Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said GUNTER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(12) A gas main in THOMPSON STREET, from Gunter Street to Henninger Street, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said THOMPSON STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(13) A gas main in HENNINGER STREET, from Thompson Street northerly 152 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said HENNINGER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(14) A gas main in CHESTERFIELD AVENUE, from West 55th Street to West $55\frac{1}{2}$ Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said CHESTERFIELD AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(15) A gas main in WEST $55\frac{1}{2}$ STREET, from Chesterfield Avenue westerly 216 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WEST $55\frac{1}{2}$ STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(16) A gas main in GROVER AVENUE, from St. Johns Avenue northerly 445 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said GROVER AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(17) A gas main in PECOS STREET, from Bowman Avenue northerly 465 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said PECOS STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(18) A gas main in TANGLEWOOD TRAIL, from Pecos Street to Greenlee Drive, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said TANGLEWOOD TRAIL.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(19) A gas main in TANGLEWOOD TRAIL, from Greenlee Drive northerly 220 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said TANGLEWOOD TRAIL.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(20) A gas main in GREENLEE DRIVE, from Tanglewood Trail easterly 220 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said GREENLEE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(21) A 9' x 6' x 7' gas regulator pit in EAST 17TH STREET, the centerline of the 9' axis to be 5 feet west of and parallel to the west line of Cedar Street, and the centerline of the 6' axis to be 5.5 feet south of and parallel to the north line of EAST 17th STREET.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations and working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground

utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas main, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Long offered the following resolution and moved that it be filed with the City Clerk for public inspection for at least one week before its adoption:

(RESOLUTION)

WHEREAS, by ordinance duly passed on October 13, 1949, recorded in Book "0" at page 358, of the Ordinance Records of the City of Austin, the City Council ordered the permanent improvement of certain portions of public streets designated therein, by excavating, grading and paving the same, by the installation of drainage facilities therein, and by the construction of curbs and gutters were required, in accordance with plans and specifications on file with and approved by the City Council; and,

WHEREAS, pursuant to said ordinance, the City Manager advertised for bids for such improvement work, and bids were received and opened, all as provided by the Charter of the City of Austin and the laws of the State of Texas; and,

WHEREAS, the bid of Collins Construction Company in the amount of Three Hundred Thirty-seven Thousand Three Hundred Eight-Five Dollars and Seventy Cents (\$337,385.70) was the lowest and best responsible bid, and the City Council has awarded to Collins Construction Company the contract for such construction work; and,

WHEREAS, the contract form and contract documents, including the performance bond required by the agreement and by law, have been executed by contractor; and,

WHEREAS, the Director of Public Works has estimated that the part of the contract price for such work to be paid by the City of Austin is the sum of One Hundred Thousand One Hundred Thirty-One Dollars and Eight Cents (\$100,131.08) Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the form and substance of the contract and contract documents heretofore executed by Collins Construction Company providing for the work above described be, and the same are hereby approved, and the City Manager is hereby authorized and directed to execute the same on behalf of the City of Austin.

That the performance bond accompanying said contract and executed by Collins Construction Company be and the same is accepted and approved.

That the sum of \$100,131.08 be and the same is hereby appropriated from general funds of the City set apart in the current budget for street improvements, to defray the part of the cost of construction under such contract which is to be paid by the City of Austin.

That the Director of Public Works of the City of Austin be, and he is hereby directed to prepare and file with the City Clerk estimates and rolls as required by law for each street unit to be so improved, showing thereon the total estimated cost of the improvements in each such unit, and showing in detail the description of each parcel of property abutting thereon, together with the names of the apparent owners thereof, the number of front feet of each parcel of property, and the amount to be assessed against the same, and such other pertinent information as may be required by law.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The resolution was then filed with the City Clerk.

The City Manager stated to the Council that the Highway Department had requested the tower light at 19th and East Avenue be removed in connection with the construction of the Interregional Highway. The Highway Department plans complete Boulevard lighting, and the tower light will not be needed. He stated it was the recommendation of the Director of Utilities that the tower be dismantled and reerected at a point near the east line - Henry P. Hill League Survey in Zilker Park, thereby providing lighting for a major part of Zilker Park. (Shown on Section Drawing #274 on file with City Clerk) The City Manager stated this was his recommendation to the Council. Councilman Drake moved that the recommendation of the City Manager be accepted and the tower light be dismantled and reerected at this chosen point in Zilker Park. The Motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

MR. CARL HARDIN, JR., came before the Council and stated WANDA WILEY, 9 year-old girl, had been chosen for the Poster Girl for the March of Dimes, and she will travel all over the United States. Mr. Hardin thought it might be an opportunity for Austin to get national publicity, and he suggested that when Wanda visited the Mayor of New York, that the Mayor of Austin send the New York Mayor a Stetson Hat. The Mayor stated that he would purchase the hat and send it at that time. During the discussion of nation-wide publicity for Austin, COUNCILMAN DRAKE stated the New York Times mentioned the first drive-in concert by the Austin Symphony Orchestra.

TROY SPARKS (Colored) 19 years of age appeared again before the Council asking permission to drive a cab. Under the ordinance at the present time, he is not eligible to drive, as he is not 21 years of age. The Council held a discussion as to whether or not an exception to the present ordinance could be made legally to accomodate men of this type who are working their way through College. Councilman Long moved that the Council make an exception to the ordinance in this particular case and grant him a license, limiting him to a 90-day period; as by that time the Taxi-cab ordinance will have been amended. The motion, seconded by Councilman Johnson, failed to carry by the following vote:

Ayes: Councilmen Johnson, Long
 Noes: Councilmen Drake, MacCorkle, Mayor Glass

The Council instructed the City Attorney to draw up a temporary ordinance amending the present Taxi-cab ordinance lowering the age limit from 21 to 18 years, pending the revision of the whole taxi-cab ordinance.

COUNCILMAN MacCORKLE stated several doctors had talked to him and other members of the Council about the Hospital, and he thought it might be a good idea to call a meeting with the doctors and discuss this matter before the Budget was submitted. The City Manager stated the work sheets of the budget would be filed with the City Clerk about the 1st of December, and it would take then about ten days to get it mimeographed and ready for the Council, and the Council usually set a public hearing about the 22nd or 23rd of December.

The Mayor introduced the Demolays who were to take their seats at the Council table and act as Councilmen and in the capacity of different Department Heads of the City for the day. The following were introduced: JAMES ORR, Mayor; DON SMITH, City Manager; RALPH GASSMAN, Chief of Police; JOE WILSON, Director of Utilities; PHILLIP STARR, Tax Assessor and Collector; JOHN SIMPSON, Councilman; NEAL SINGLETON, Recreation Director; DAVID WAGGONER, Director of Public Works; HUNTER MORRIS and WALTER NASH.

The following applications for change of zoning, after having been considered by the Zoning Board of Adjustment, were advertised for hearing and publicly heard this date:

ELBERT VAN DYKE, by KENNETH R. LAMKIN	1100 Block, north side of E. 11th, between Waller and Lydia Sts.	From "C-1" Commercial To "C-2" Commercial NOT Recommended by the Zoning Board of Adjust- ment.
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KENNETH LAMKIN and ELBERT VAN DYKE appeared before the Council asking that the change be granted. JOSEPHINE WALKER, 1107 Juniper, LETHA FUGLES, 1159 Waller; FRANCES SHAW, 1012 E. 11th; JOHN HENDERSON, 1104 Juniper, WALTER MITCHELL, 1110 Juniper, all appeared in bitter opposition, stating the neighborhood now had

so many liquor establishments, and there is so much noise and rowdiness in the block that the home owners can not sleep; that several people have been killed in this immediate vicinity by intoxicated people, and that the safety of the neighborhood was involved. The Council did not take action on this request, due to the fact it wanted to make a personal inspection of the property and location. Final action on this request will be taken at the Council's next meeting on December 1st, 1949.

MRS. W. H. MILES, ET AL 2500 Block of San Antonio; From "C-1" Commercial
West $\frac{1}{2}$ of lots bounded by To "C" Commercial
San Antonio, Guadalupe, RECOMMENDED by the
W. 25th and W. 26th Zoning Board of Adjust-
ment.

MR. F. L. KUYKENDALL, representing the opposition, asked that the hearing on this application be postponed until December 1st, as one of the attorneys out of his firm, who was to handle the case for the opposition, was out of the city, and he was not familiar enough with the case at this time. MRS. LAWRENCE E. STEVENSON stated her group was willing to hold the hearing as advertised this date, that the opposition had had plenty of time and notice. Councilman Drake moved that hearing on the above application be postponed for one week and heard Thursday, December 1st at 11:00 A.M. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

E. L. G. ALEXANDER 1807 McKinley Avenue From "A" Residential
To "C" Commercial
NOT Recommended by the
Zoning Board of Adjust-
ment.

REV. G. L. COLEMAN appeared in opposition. This application for change was not recommended by the Zoning Board of Adjustment. Councilman MacCorkle moved that the recommendation of the Zoning Board be sustained, and that the requested change not be granted. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

W. E. PHILLIPS

1207 Chicon

From "C" Commercial
 To "C-1" Commercial
 NOT recommended by the
 Zoning Board of Adjustment

W. E. PHILLIPS appeared before the Council asking that this change be granted. JESSIE LOTT THOMPSON appeared in vigorous opposition asking that the Council NOT grant the change, as the living conditions in that neighborhood were terrible now. The Council did not take action on this application, but decided to visit this location and take final action at the following meeting, December 1, 1949.

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COUNCILMAN DRAKE suggested that the Zoning Board of Adjustment be written a letter of thanks for the additional maps furnished along with the applications for zoning changes, as they were very helpful to the Council. He requested that these maps accompany the Zoning Board's recommendations as they are sent out to the members of the Council.

There being no further business, Councilman Johnson moved that the Council adjourn. The motion, duly seconded, carried by the following vote, and the Council adjourned at 3:30 P.M.

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

APPROVED

Taylor Glass
 Mayor

ATTEST:

Elvin Woodley
 City Clerk